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Chairman: Mr. Welberts (Vice-Chairman) ..... (Germany)
later Mr. Tomka (Chairman) ..... (Slovakia)
later Mr. Welberts (Vice-Chairman) ..... (Germany)
later Mr. Tomka (Chairman) ..... (Slovakia)

Contents

Agenda item 146: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (*continued*)

(c) Draft guiding principles for international negotiations (*continued*)

Agenda item 152: Measures to eliminate international terrorism (*continued*)

Announcements concerning sponsorship of draft resolutions

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In the absence of Mr. Tomka (Slovakia), Mr. Welberts (Germany), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 146: United Nations Decade of International Law (*continued*)

(a) United Nations Decade of International Law (*continued*)

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law (*continued*)

(c) Draft guiding principles for international negotiations (*continued*) (A/52/141 and 363, A/C.6/52/L.4/Rev.1, L.5 and L.12)

1. **Ms. Flores Liera** (Mexico), Chairman of the Working Group on the United Nations Decade of International Law, introduced three draft resolutions. The first, on agenda item 146 (a), was contained in document A/C.6/52/L.12 and entitled "United Nations Decade of International Law". She drew particular attention to paragraphs 3, 5, 6 and 10. With regard to the deposition of acts of formal confirmation (para. 5), the Working Group had agreed to look into the question during the current session. The second draft resolution, on agenda item 146 (b), was contained in document A/C.6/52/L.5 and entitled "Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law"; she drew attention to paragraphs 1 and 2, emphasizing the desirability of truly universal participation in the activities of the Programme of Action. The third draft resolution, on agenda item 146 (c), was contained in document A/C.6/52/L.4/Rev.1 and entitled "Draft guiding principles for international negotiations". It was of a procedural nature, as the Working Group felt that discussions on the draft resolution submitted by Mongolia in annex II to document A/52/141 had been of a preliminary nature only. The draft resolution emphasized the important role that negotiations could play in attaining the purposes of the Charter of the United Nations. The Working Group would continue to consider the subject, together with further comments from States and relevant international organizations, at the following session.

2. *Mr. Tomka (Slovakia) took the Chair.*

Agenda item 152: Measures to eliminate international terrorism (*continued*) (A/52/37 and A/52/304 and Add.1 and Corr.1; and A/C.6/52/L.3 and L.13)

3. **Mr. Štefánek** (Slovakia) said he endorsed the statement made on agenda item 152 by the representative of the Netherlands on behalf of the European Union and a number of associate countries. The long fight against terrorism was far from over, but had been given fresh impetus by the adoption of General Assembly resolution 49/60 with the annexed Declaration on Measures to Eliminate International Terrorism. Since then, there had clearly been a consensus in the international community to fight all forms of international terrorism. Slovakia was a party to all the conventions on international terrorism which were relevant to its landlocked geographical location. His delegation strongly supported the adoption of the draft International Convention for the Suppression of Terrorist Bombings. The main goal of conventions against terrorism was to provide a legal basis for the extradition of offenders and cooperation between States in bringing offenders to justice in cases which involved an international element. Referring to the draft text contained in document A/C.6/52/L.3, he said that the key principles were laid down in articles 2, 7 and 9 *bis*. He particularly welcomed the depoliticization clause, article 9 *bis*, which was in line with article 1 of the European Convention on the Suppression of Terrorism and was well balanced by article 9 *ter*. He also believed there was no need for more than 22 instruments of ratification, acceptance, approval or accession to be deposited with the Secretary-General before the convention could enter into force. He hoped that consensus could be reached on the outstanding difficulties regarding the scope of application of the convention and its applicability to activities of military forces.

4. **Mr. Hamdan** (Lebanon) said that Lebanon, which deeply deplored all terrorist acts perpetrated against civilians, punished the perpetrators of terrorist offences in accordance with its laws. Lebanon had also acceded to a number of related international instruments and had ratified the International Convention against the Taking of Hostages in October 1997. While his delegation was willing to cooperate in any truly objective and impartial effort to combat terrorism, it believed that the international community should focus more on understanding the root causes and evolution of the phenomenon.

5. The Declaration on the Occasion of the Fiftieth Anniversary of the United Nations had struck an important balance between the causes and consequences of terrorist offences. While the international community should cooperate in adopting measures intended to deter terrorism,

it should also take positive steps to examine the root causes of the problem. The United Nations had at its disposal all the social, economic and political mechanisms needed to adopt such an approach, which should eschew double standards and be guided by the provisions, aims and objectives of the Charter of the United Nations.

6. Many violent and tense situations would come to an end if the principle of self-determination were truly applied and foreign occupation and colonial domination came to an end. In that regard, Lebanon's struggle for liberation from Israeli occupation could in no way be considered as terrorism: it was, rather, the assertion of the right of self-defence in response to one of the worst forms of terrorism, the occupation of another country.

7. His delegation believed that the stagnating Middle East peace process only exacerbated the violence, as people reacted to Israel's daily acts of State terrorism. Lebanon's refusal to participate in the Sharm al-Sheik Summit of the Peacemakers had stemmed from its belief that a just, honest and timely examination of the underlying political causes of violence in the region was the only way to solve the problem.

8. The Sixth Committee should consider State terrorism as being on a par with all other forms of terrorism. Israel's unlawful military operations in southern Lebanon, which were entirely out of proportion to the force, aggression and weapons used by the resistance movement in the area, were clear evidence of State terrorism. In one appalling case, in the village of Qana, Israeli forces had killed 107 civilian refugees, while more recent examples had been an assassination attempt by Mossad in Jordan and Israel's use of nuclear weapons for terrorist purposes. The fact that the world had chosen to remain silent in the face of those acts was regrettable evidence of double standards.

9. Lebanon was also extremely concerned by the growing acts of hostility against Arab and Muslim peoples instigated by extremist groups, some of whom were well known and should be stopped, and others which had yet to be identified. It was a problem the world needed to take seriously. The Western view of the Middle East as the source of international terrorism was neither objective or realistic. Rather than viewing the region from a cultural and humanitarian perspective, the Western media concentrated on even the most trivial incidents of violence in order to instil hatred for its people. Indeed, one observer had drawn attention to the dangerous tendency of the Western media to lump all Islamic political groups together under the umbrella of fundamentalism, giving the impression that the world was split into two competing religious camps.

10. There were some very significant gaps in the draft Convention contained in document A/C.6/52/L.3. The fact that there was no definition of terrorist bombings or terrorism, and that subjective standards were to be used to define terrorist offences, left the way open for international disputes as to whether certain political offences could be considered as justified and thus fall outside the purview of the Convention.

11. Article 9 *ter* was seriously flawed, since it provided States with a pretext for avoiding their responsibilities and set no standards for their behaviour. His delegation believed that the problem should be looked at afresh, in order to produce a convention that would better respond to the requirements of international legal institutions. A consensus could be reached on a text which would provide for a State to investigate all the elements of a case involving the extradition of a person from its territory and to afford the requesting State legal assistance prior to issuing any judgement stating that the person in question could not be extradited. That kind of cooperation would ensure that criminals did not evade justice.

12. His delegation welcomed some provisions of the draft Convention, especially article 12 *ter* on the rights and obligations imposed by international law and the Charter of the United Nations. It also welcomed the reference in the introduction to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations to a number of relevant General Assembly resolutions; that emphasized the international community's commitment to the rights of peoples under colonial domination or foreign occupation. His delegation looked forward to cooperating in the elaboration of a convention that would fulfil the aspirations of all.

13. **Ms. Cueto Milián** (Cuba) observed that her Government and people, having for more than 30 years been subjected to the most deplorable and diverse terrorist acts, had always condemned terrorism in all its forms. The international community seemed to be mobilizing to fight that increasingly destructive plague, bred by growing conflicts and inequalities. At the same tie, however, the legitimate wishes of many States to combat international terrorism were being held hostage by the double standards of powerful countries that preached against terrorism even as they impeded the negotiations on the draft Convention on the matter with all the diplomatic means and political pressure at their disposal, thus blocking the adoption of the clear and all-inclusive definition of terrorism that was needed and an unequivocal and impartial condemnation. The intention of such manoeuvrings in both the Sixth Committee and the Ad Hoc Committee on terrorism was to spare certain

States, groups of States and organizations actively involved in terrorism from condemnation, and to impose a selective approach. A case in point was the insistence by several States that the draft Convention should not cover activities by armed forces, even though certain States used their armed forces precisely to destabilize, intimidate or coerce other independent States and to further their own policies and ambition to dominate. Cuba believed that under the circumstances any instruments that were the product of deliberations in the Committee and the Ad Hoc Committee would be highly biased and politicized. The draft International Convention for the Suppression of Terrorist Bombings would, of course, be no exception.

14. Cuba's own position was that terrorism in all its forms must be condemned, wherever and by whomsoever committed. No comparison should be drawn between the legitimate struggle of peoples against colonial or foreign domination, and terrorist acts instigated, organized, directed or financed by one State or any of its organizations against another with the aim of undermining its political, economic and social system or subverting its Government. One could not at the same time condemn terrorism and put forward distinctions between terrorists of the North and terrorists of the South, or between lesser and major terrorists. Cuba reiterated its concern at the growing use of mercenaries to carry out terrorist acts, in flagrant violation of international law and basic human rights. It was well known that Cuba itself, in September 1997, had been the target of a terrorist bombing planned and directed from the United States and carried out by mercenaries. That incident, and the increasing involvement of mercenaries in the commission of terrorist acts generally, had been a subject of discussion also in the Third Committee.

15. Any draft text adopted by the Committee at the current session must be considered only the beginning, an incomplete approximation of a genuine condemnation by the General Assembly of international terrorism in all its forms.

16. **Ms. Flores Liera** (Mexico) said that the only effective weapon against the worldwide scourge of terrorism and the havoc it wreaked on individuals was international cooperation in upholding international law and in continuing to develop a legal framework that would guide the anti-terrorist efforts of States.

17. Mexico was combating terrorism both domestically and internationally. Its domestic laws against organized crime, including terrorism, had been expanded to facilitate the investigation, prosecution and punishment of crimes committed by any organized crime figure, and the laws would continue to be updated. Mexico was also signatory to an important series of bilateral agreements governing legal assistance and extradition. Regionally, it was a member of the sole inter-American instrument to combat terrorism, and it had ratified the 10 international conventions pertaining to international terrorism.

18. Her delegation had accordingly been very active in the Ad Hoc Committee, and in the subsequent Working Group of the Sixth Committee, established to elaborate two new international instruments against terrorism and generally to seek to expand the relevant legal framework. The complexity of the phenomenon of terrorism and the need to strike against it in all its aspects emerged clearly from the discussions on the draft International Convention for the Suppression of Terrorist Bombings.

19. Despite what was, in Mexico's view, its very limited scope, the draft text contained highly innovative elements that would undoubtedly require close study by States in the light of their respective legal systems. Mexico would have preferred an instrument with a broader scope, applicable to the various manifestations of terrorist bombings and giving greater attention to existing precedents, which would have made its early entry into force more likely. For instance, with regard to article 3 of the draft, for which there was still no agreed text, her delegation believed that activities of armed forces conducted at times other than periods of armed conflict, and thus not governed by other norms such as those of international humanitarian law, should be covered by the Convention. It would have been useful if there had been more time to bridge the differences that had become apparent towards the end of the discussions in the Working Group, which stood ready to consider alternative texts in a spirit of compromise.

20. **Mr. Syargeeu** (Belarus) said that he welcomed the report of the Secretary-General on measures to eliminate international terrorism (A/52/304) and the preparation by the Secretariat of a compendium of national laws and regulations in that area.

21. The most important factor in combating international terrorism was the political will and determination of States. A number of recent initiatives, including major counter-terrorism summits, documents adopted by regional organizations such as the Commonwealth of Independent States, the Asunción Declaration of the Rio Group and the communiqué issued by the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries, confirmed that there was a trend towards translating such resolve into practical measures.

22. Regrettably, the spread of international terrorism continued to outpace the joint efforts of States to combat it.

Transnational terrorists benefited from modern means of transport and communication, including computer technology. In view of that situation, the international community must forestall terrorists by developing the necessary legal machinery. He therefore welcomed the agreements reached by the group of seven major industrialized countries and the Russian Federation at the Ministerial Conference on Terrorism, held in Paris in 1996, and the initiatives taken to implement them.

23. His Government attached great importance to the draft International Convention for the Suppression of Terrorist Bombings and believed that the Committee should be able to finalize and adopt it by consensus.

24. In the following year, the Ad Hoc Committee would prepare a draft international convention for the suppression of acts of nuclear terrorism. He welcomed the efforts of the Russian delegation to initiate additional steps aimed at strengthening international cooperation in that field.

25. Efforts to establish reliable mechanisms to combat terrorism, including legal machinery, should not be confined to the Sixth Committee. The efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO) and the Crime Prevention and Criminal Justice Division of the Secretariat, as outlined in document A/52/304, were to be commended. At the same time, there was an obvious need to coordinate such activities, and the Committee should remain the focal point for such work.

26. With regard to international legal means of combating terrorism, promoting accession to the existing anti-terrorist conventions should be a major priority. His Government was already a party to most of those instruments and was taking steps to widen its participation.

27. Measures to combat terrorism at the national level were also of critical importance. Crimes closely linked to terrorist activities, such as the illegal arms trade, drug trafficking, money-laundering and smuggling of nuclear and other potentially lethal materials, must be prevented and punished. Through its membership of INTERPOL, his country had become actively involved in practical cooperation among States aimed at exchanging information on preventive measures and hampering the movements of terrorists.

28. *Mr. Welberts (Germany), Vice-Chairman, resumed the Chair.*

29. **Mr. Benítez Saénz** (Uruguay) said that while he shared the views expressed by the representative of Paraguay on behalf of the Rio Group, he wished to add a few comments of his own. The draft International Convention for the Suppression of Terrorist Bombings constituted a significant achievement. The text was generally well balanced and should enjoy broad support. At the same time, he had some concerns regarding draft articles 2 and 9 *bis*; in his view, those two articles should state explicitly that the commission of an offence as defined in article 2 should not give rise to the right of asylum.

30. His country had a long tradition of upholding the right of asylum. Nevertheless, the right of asylum was not an individual right, but a right of the State to admit to its territory persons whom it deemed to be persecuted on political grounds and thus deserving of refugee status in accordance with the Convention relating to the Status of Refugees of 1951. Since asylum requests were dealt with by the executive branch of government, while extradition requests were handled primarily by the judicial branch, a lack of clarity in the text concerning terrorist offences and the right of asylum could give rise to conflicts between the two branches within a country. His concerns on that subject had been underscored by the attention given at the Ministerial Conference on Terrorism, held in Paris in July 1996, and the meeting of the Presidents of the countries of the Common Market of the Southern Cone (MERCOSUR), held in Bariloche, ensuring that terrorists were not granted asylum.

31. **Mr. Suheimat** (Jordan) said that Jordan deplored terrorism in all its forms and manifestations and hoped that perpetrators of terrorist acts would be punished to the full extent of the law. Jordan affirmed its unconditional commitment to implementing all relevant General Assembly resolutions, particularly resolution 49/60 and its annex containing the Declaration on Measures to Eliminate International Terrorism, and resolution 50/53, which urged all States to promote and implement effectively and in good faith the provisions of the Declaration and called on them to strengthen cooperation to prevent terrorism from posing a threat to international security. Jordan also supported resolution 51/210, in which the General Assembly had renewed its affirmation that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes were in any circumstance unjustifiable.

32. His delegation believed that the difficulty in elaborating a final text for the International Convention for the Suppression of Terrorist Bombings was the result of a failure to agree on one particular article. The Convention should apply to all terrorist offences within its purview and no exceptions should be made for the perpetrators of what were unjustified criminal acts. The Committee had no

dispute over concepts; the difficulty lay rather in conflicting interests and the way in which the parties involved viewed the topic. His delegation was ready and willing to cooperate to find a solution that would satisfy all.

33. **Mr. Morshed** (Bangladesh) said that terrorism, which posed a particularly sinister threat to smaller States, could not be tackled by any State acting alone and therefore called for intensive international, regional and bilateral cooperation. Bangladesh itself had given priority to ratifying the international instruments against terrorism, especially in the field of civil aviation. It had also worked actively at the regional level, and the Regional Convention on the Suppression of Terrorism adopted by the South Asian Association for Regional Cooperation (SAARC) in 1987 represented a major achievement in such cooperation and had added to the stock of useful legal ideas in the field. In drafting domestic legislation to give effect to that Convention, Bangladesh had benefited from bilateral consultations with some of its SAARC partners. Given the links between drug trafficking and international terrorism, his Government had, moreover, participated actively in the adoption of the 1990 SAARC Convention on Narcotic Drugs and Psychotropic Substances.

34. A broad consensus seemed to be emerging in the Sixth Committee's Working Group regarding the draft International Convention for the Suppression of Terrorist Bombings, which augured well for the early adoption of an agreed text. That would be a major step forward.

35. The technological advances that were often readily available to potential terrorists called for a higher degree of political cooperation, and new challenges would undoubtedly emerge that would require innovative legal approaches and techniques to meet them, and joint efforts with other international and regional bodies. There, the Sixth Committee could be effective.

36. However, the success of even the best crafted legal instrument depended on serious political cooperation and ultimately on shared values and common political perceptions. Political initiatives were needed to diffuse the climate of fear and despair in the breeding grounds of terrorism, a sphere in which UNESCO could be of assistance. A comprehensive approach had to be taken in addressing contentious issues arising out of differing perceptions of Government-sponsored terrorism, the right of self-defence and State sovereignty.

37. **Mr. Kahil** (The former Yugoslav Republic of Macedonia) said that his Government strongly condemned all acts of international terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed. The persistence and escalation of terrorist acts worldwide fully justified the international community's commitment to strengthening international cooperation in the fight against terrorism. In that connection, he stressed the importance of the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Declaration to Supplement the 1994 Declaration, both of which stressed the need for individual and collective efforts by all States.

38. His Government had participated actively in the efforts of the United Nations to develop and implement measures for the prevention and punishment of acts of international terrorism, including the negotiations on the elaboration of the draft International Convention for the Suppression of Terrorist Bombings. While some issues remained to be resolved, the significant progress made with regard to the provisions on definitions, scope, offences, jurisdiction, extradition, prosecution and judicial assistance had resulted in a well-balanced draft; he hoped that it could be adopted at the current session.

39. He welcomed the report of the Secretary-General (A/52/304) and the efforts of States and international organizations to submit information about the measures taken to enhance cooperation at the national and international levels. The adoption of the draft Convention would supplement the regime of related existing international instruments and further the development of a comprehensive legal framework to deal with international terrorism.

40. **Mr. Erwa** (Sudan) expressed appreciation to the Secretary-General for the information provided on the status of international legal instruments related to international terrorism. His Government, which categorically condemned terrorism in all its forms and manifestations and had actively implemented the measures to eradicate terrorism adopted to date, attached particular importance to the following considerations.

41. First, terrorism could not be eradicated unless its causes and motives were attacked with the same determination as its manifestations and consequences. While there was no justification for terrorism, such problems as foreign occupation, poverty and ignorance led to the commission of terrorist acts. The failure to agree on a legal definition of terrorism was one of the reasons why the efforts to eradicate it had not yet produced the desired results. He therefore supported the development of a comprehensive legal framework covering all aspects of international terrorism.

42. Secondly, terrorist crimes, whether committed by States, groups or individuals, endangered not only the lives, security and property of individuals, but the security, national sovereignty and territorial integrity of States as well. For that reason, his Government had proposed that a paragraph should be incorporated into General Assembly resolution 51/210, calling upon States to refrain from financing or facilitating mercenary operations. In that connection, he drew attention to the human tragedies caused by the organized crime of terrorism, which bedeviled African States and their peoples, and called on the international community to condemn and punish such acts wherever they were committed. An indirect aim of terrorism was to create instability in the targeted States, thus undermining efforts to bring about regional and international economic cooperation. Terrorist acts committed against developing countries, particularly underdeveloped countries, could endanger their very existence. That problem was exacerbated by the international media blackout and distortion which depicted the innocent as criminals and the victims of terrorism as terrorists. He urged the Committee to continue its work on the basis of paragraph 4 of General Assembly resolution 51/210, which stressed the importance of exchanging information or facts related to terrorism and avoiding the dissemination of inaccurate or unverified information.

43. Thirdly, he was convinced that the imposition of cultural standards contradicted the realities of human life. The failure to accept pluralism had led to unfortunate attempts at hegemony, disdain for certain cultures and the levelling of accusations of terrorism against them. The trend in some countries towards associating Islam with terrorism confirmed their inability to deal with cultures different from their own. In that connection, he drew attention to the proposals submitted by his Government at the current session for the establishment of a mechanism to conduct a dialogue among different religions and civilizations.

44. His Government was a party to the major anti-terrorist conventions and was working towards ratification of the remaining ones. With regard to the draft International Convention for the Suppression of Terrorist Bombings, the Ad Hoc Committee had encountered difficulties in its work that were due to the absence of a definition of terrorism.

45. *Mr. Tomka (Slovakia) resumed the Chair.*

46. After a procedural discussion in which **Mr. Gray** (Australia), **Mr. Díaz** (Costa Rica), **Ms. Cueto Milián** (Cuba), **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran), **Mr. Hamdan** (Lebanon), **Mr. Büchli** (Netherlands), **Mr. Akbar** (Pakistan), **Mr. Rosenstock** (United States of America) and **Mr. Monagas-Lesseur** (Venezuela) took part, **the Chairman** said that, in view of the various positions of delegations and in the interests of facilitating the Committee's work, copies of draft resolution A/C.6/52/L.13 and Corr.1, entitled "International Convention for the Suppression of Terrorist Bombings" and sponsored by Costa Rica, were being distributed to members of the Committee for perusal and consultation with Governments.

47. **Mr. Díaz** (Costa Rica), introducing draft resolution A/C.6/52/L.13 and Corr.1, which contained the text of the draft Convention in an annex, said it should constitute a good basis for consensus.

48. **The Chairman** said that further discussions on the draft Convention would be held at a later stage.

Announcements concerning sponsorship of draft resolutions

49. **The Chairman** said that the Philippines and Indonesia had joined the sponsors of draft resolution A/C.6/52/L.9 on the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

The meeting rose at 5.35 p.m.